

App. No. 09/930,659  
Amendment Dated \_\_\_\_\_  
Reply to Office Action of March 15, 2005

### **REMARKS/ARGUMENTS**

Claims 1-37 remain in this application for further consideration. Claims 1, 18-22, and 24 have been amended to remove the paragraph indicators. The amendments to those claims is not for further limiting the claims in any manner. Claims 1, 7, 8, 21-22, 29 and 34 have been further amended for the reasons set forth below. No new matter has been added.

#### **I. Rejection Under 35 U.S.C. §112, Second Paragraph**

Claims 7, 8 and 22 are rejected under 35 U.S.C. §112, second paragraph for insufficient antecedent basis. Specifically, claims 7, 8 and 22 have insufficient antecedent basis for the term "the other data structure." Applicants have made the appropriate amendments to the claims as set forth above.

#### **II. Rejection Under 35 U.S.C. §102(e)**

Claims 1-13 and 15-37 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication Number 2003/0069874 published to Hertzog et al. (hereinafter "Hertzog"). Applicants respectfully disagree with the rejection. Even though applicants believe that the claims are allowable as written, independent claims 1, 21, 29 and 34 have been amended to further clarify the invention. When the claims are read in their entirety, each claim contains elements not taught or otherwise suggested by Hertzog. Specifically, claim 1 has been amended to include the following elements not taught or otherwise suggested by Hertzog:

"a synchronization message including a plurality of message portions for *grouping synchronization activities in a single message*" (emphasis added).

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"a *version portion* that *indicates* which version of the data structure is being used to synchronize the object" (emphasis added).

"a *command portion* that *indicates* a synchronization action to take to synchronize the object between the server and the client" (emphasis added).

"*if an error occurs* while the synchronization action is performed, *a response portion* that *indicates* that the synchronization action was not successful" (emphasis added).

Claim 21 has been amended to include the following elements not taught or otherwise suggested by Hertzog:

"a server configured to receive a data structure, the data structure *including a plurality of portions for grouping synchronization activities in a single data structure that is received by the server*" (emphasis added).

"a *version portion indicating* which version of the data structure is being used to synchronize the object" (emphasis added).

"a *command portion that indicates* a synchronization action to take to synchronize the object" (emphasis added).

Claim 29 has been amended to include the following elements not taught or otherwise suggested by Hertzog:

"formatting a synchronization message *having a plurality of message portions for grouping synchronization activities in a single message*" (emphasis added).

"a *version ID portion*" (emphasis added).

"a *commands portion*, the commands portion including information that *defines changes* to be made to a server to cause data on the server system to be synchronized with data on the data store" (emphasis added).

Claim 34 has been amended to include the following elements not taught or otherwise suggested by Hertzog:

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"receiving an update synchronization message *having a plurality of message portions for grouping synchronization activities in a single message*"

"another *version ID portion*"

"another *commands portion*, including information that *defines* changes to be made on the server to cause the data store to be synchronized with data on a mobile device"

"sending a response synchronization message *having a plurality of message portions for grouping synchronization activities in a single message*"

"a *version ID portion*"

"a *commands portion*, including information that *defines changes* to be made on the mobile device to cause the data store to be synchronized with data on the mobile device"

The specification of the present invention specifically recites as follows:

"With wireless networks, the risk that a connection will be lost is several times greater than with non-wireless systems. Some synchronization techniques address potential interruption by sending acknowledgments at certain points while a message is received. *Sending multiple acknowledgments, however, exacerbates other problems in cellular networks.* Typically, cellular networks have high latency. Each transmission is subject to this latency. Thus, *using acknowledgments may increase the total synchronization time which gives rise to a greater potential for interruption by, for example, an unreliable network.*" *Specification*, at page 1, line 28-page 2, line 6.

"Additionally, cellular networks often have relatively low bandwidth. Synchronizing a relatively small number of objects between a PC and a mobile device over a cellular network *may require several minutes*; synchronizing many objects *may require hours.*" *Specification*, at page 2, lines 7-10.

...

"The present invention provides a system and method for synchronizing devices that may be connected by high latency, low bandwidth, and/or unreliable networks. A protocol is provided which *avoids the latencies of multiple acknowledgments by placing responses to a number of synchronization activities in a single message...*" *Specification*, at page 2, lines 15-19.

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The portion of the specification cited above is but one example from the specification of the purposes and advantages of the present invention over the prior art. This citation is for explanatory purposes only and not meant to impute any limitations into the claims apart from the claim language itself insofar as applicants assert that the terms of the claims are clear.

Hertzog does not teach or otherwise suggest the above elements. Hertzog pertains to a system and method for making business cards and personal information cards available to other users of a service. *Hertzog*, at pg. 14, para. 0151-0153. Hertzog pertains to a method of publishing cards to a database so the other users of the database may associate with the database and update their contacts. *Hertzog*, at pg. 14, para. 0151-0153. Applicants can find no teaching or suggestion of "a synchronization message including a plurality of message portions for grouping synchronization activities in a single message."

With regard to paragraphs 0048, 0068, and 0105 of Hertzog, those paragraphs do not teach that a portion of *a configuration message includes* a "version portion *that indicates* which version of the data structure is being used to synchronize the object." Moreover, the definition of "sub-set" and "version" are completely different.

Also, paragraph 0053 of Hertzog does not teach "a response portion that indicates that the synchronization action was not successful." Paragraph 0053 specifically recites as follows:

During a synchronization operation, the GUI 24 interacts with the client services module 26 and the synchronization engine 28 to provide a textual and graphic display of the progress of a synchronization operation. For example, the GUI 24 may provide textual descriptions of operations being performed by the synchronization engine 28, and may also provide a progress bar showing the percentage of the synchronization operation that is complete, or that remains to be completed. *Hertzog*, at pg. 4, para. 0053.

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This language does not teach in any manner "a response portion that indicates that the synchronization action was not successful." This language of Hertzog merely teaches a progress bar that shows how much synchronization has occurred. When the elements of independent claims 1, 21, 29 and 34 are read as a whole, Hertzog does not anticipate any of these claims. Accordingly, applicants assert that independent claims 1, 21, 29 and 34 are allowable over the cited reference.

The elements of claims 2-13, 15-20, 22-28, 30-33 and 35-37 are not taught or otherwise suggested by the cited reference. Moreover, claims 2-13, 15-20, 22-28, 30-33 and 35-37 ultimately depend from claims 1, 21, 29 and 34, respectively. Claims 1, 21, 29 and 34 are allowable for the previously stated reasons. Accordingly, applicants assert that claims 2-13, 15-20, 22-28, 30-33 and 35-37 are allowable for at least those same reasons.

### **III. Rejection Under 35 U.S.C. §103(a)**

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hertzog in view of Japanese Document No. JP2000020370A issued to Sharp KK (hereinafter "Sharp").

Applicants respectfully disagree with the rejection. There is no suggestion in either of the references that they may be combined in the manner propounded. Furthermore, even if for argument purposes such a suggestion could exist, claim 14 includes elements not taught by the references. Also, the rejection of claim 14 under 35 U.S.C. 103(a) depends from the aforementioned rejection under 35 U.S.C. 102(e). Insofar as the claims are allowable under 35 U.S.C. 102(c), the rejection under 35 U.S.C. 103(a) should be withdrawn.

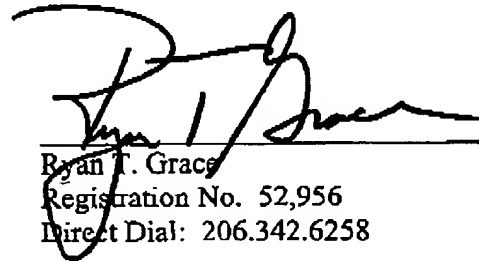
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**IV. Request for Reconsideration**

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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